PLANNING COMMISSION (203) 797-4525 (203) 797-4586 (FAX)

MINUTES FEBRUARY 1, 2006

The Executive Session was called to order by Chairman Arnold Finaldi Ir. at 7:15 PM.

Present were John Deeb, Arnold Finaldi Jr., Edward Manuel, Kenneth Keller and Alternates Paul Blaszka and Joel Urice. Also present was Assistant Corporation Counsel Robin Edwards.

Mr. Manuel made a motion to go into Executive Session to discuss Oakland Ave LLC vs. Danbury Planning Commission. Mr. Keller seconded the motion. The Commission adjourned to the Caucus Room.

At 7:30 PM, the Commission came out of Executive Session. Chairman Finaldi then called the regular meeting to order.

Present were John Deeb, Arnold Finaldi Edward Manuel, Kenneth Keller and Alternates Paul Blaszka and Joel Urice. Also present was Associate Planner Jennifer Emminger.

Absent was Matthew Kennedy.

Chairman Finaldi asked Mr. Blaszka to take Mr. Kennedy's place for the items on tonight's agenda.

Mr. Blaszka made a motion to table the acceptance of the January 18, 2006 minutes. Mr. Keller seconded the motion and it was passed unanimously by voice vote.

Regarding the Executive Session, Mr. Manuel made a motion to resolve the matter of Oakland Ave. in accordance with the recommendations of Corporation Counsel and to authorize her to act on their behalf. Mr. Keller seconded the motion. Attorney Edwards left the meeting at this time.

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PUBLIC HEARING:

Susan S. & Carl D. Johnson – Application for two (2) lot re-subdivision (3.909 acres) in the RA-80 Zone and Waiver to Road Requirements in the Subdivision Regulations - "Reservoir Rd. Ext. Subdivision f/k/a Mountain Pond Heights Subdivision" – 22 Long Ridge Rd. & Reservoir Rd (#J20013) – Subdivision Code #05-01.

Chairman Finaldi read the legal notice. Attorney Robin Kahn spoke in favor of this application. She said this application had been under review last year but was withdrawn. The parcel is approximately 3.9 acres and is zoned RA-80. It was approved as Lot 5 of the Mountain Pond Heights Subdivision and now they want to split it into two lots. There is an existing house that is accessed from Long Ridge Rd., but the new lot would be served from Reservoir Rd. They have requested a waiver to the requirements of the Subdivision Regulations for the needed improvements to bring Reservoir Rd. to City standards. The lot with the house on it has gotten a variance to the minimum square requirement. The new house will be served by well and septic. The improved portion of Reservoir Rd. and the remaining right-of-way is an unimproved footpath. Attorney Kahn said after meeting with the City, the applicant decided to purchase the right-of-way once they receive approval of this subdivision. She asked that they continue this until the next meeting since they do not yet have Engineering comments. Also the Planning Department has asked for some of the information to be shown on additional plans. She said the EIC approval from last year (July 2005) is still good. Mrs. Emminger said they there are revisions that need to be made to the plans which are detailed in the Staff Report and also they need the report from the Health Dept. regarding the septic system. There were no other questions.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

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Mr. Deeb made a motion to continue the public hearing. Mr. Manuel seconded the motion.

CONTINUATION OF PUBLIC HEARING:

Kenosia Plaza LLC – Application for Special Exception for Storage, Sale or Repair of Construction Equipment "Edward Ehrbar Inc." in the IL-40 Zone – 40-42 Kenosia Ave. (#E17085 #E17086) – SE #641. Public hearing opened December 21, 2005 – first 35 days were up 1/25/06 - Extension granted to 3/1/06. Waiting for EIC decision.

Mike Mazzucco spoke in favor of this application. At the last meeting this was tabled because they were working with EIC on some modifications to the plans. They added screening to protect the residential neighbors across the street. The Director of Health asked them to stay out of regulated area with gravel parking lot so they made some changes there. Mr. Mazzucco submitted a package of information prepared by the applicant. Chairman Finaldi designated this package as Exhibit A. Mr. Keller read it into the record and the Commission commented on how complete a document it was. Mr. Mazzucco said there will be no increase in the floodplain filling; this is much less than previous plan for medical building was proposing. Mrs. Emminger asked for the exact cut and fill numbers so she can include them in the floodplain permit. Mr. Mazzucco said the City Traffic Engineer is satisfied with the changes that were made. There was no further discussion

Mr. Manuel made a motion to continue Mr. Deeb seconded the motion.

BRT Kennedy LLC – Application for Special Exception for Apartment House/Garden Apartments/Retail Space "Kennedy Place" in the C-CBD Zone – 1 Kennedy Ave. (#H14356 & #H13289) – SE #642. Public hearing opened January 18, 2006 – 35 days will be up 2/22/06. Waiting for EIC decision.

Mrs. Emminger gave the Commission members copies of the Engineering Dept. comments and City Traffic Engineer's comments. She read the comments from Fire Marshal into record and said that Fire Marshals Johnston, Weidl, and Chief Siecienski had a meeting yesterday with the applicant's design team and many of these issues were resolved

Attorney Fran Collins then said Attorney Jaber was out of town and he was covering for him. He said in response to what Mrs. Emminger said, they will respond to all of the comments and revised plans will be submitted hopefully next week. He said several of their people had information to present starting with Jane Didona. to present proposed traffic roundabout

Jane Didona spoke about proposed changes to the intersection of Elm and New Sts. which was described as a traffic roundabout. She said this traffic calming technique is an architects dream because it helps ease traffic but in contrast to a rotary, it creates green space. She said that traffic signals do not guarantee safety and although people feel safer with them or stop signs, the numbers prove that roundabouts are safer. This is ideal place for this technique because you need a certain amount of land and the right kind of street intersection. The pedestrian crossings are located at the point of the second car back because it is safer since all traffic travels in same direction and pedestrian only has to look in one place. Mr. Keller asked the width of lanes and Ms. Didona said two lanes. She said this is still a conceptual rendering, they have not submitted it yet. They will be meeting with the City Traffic Engineer next week about this. Mr. Urice asked if this roundabout would be controlled by a traffic signal. Ms. Didona said no signal; you are guided through the roundabout in one direction. Mike Galante, the applicant's traffic engineer then came forward to help Ms. Didona explain further. He said Elm St. would become one-way; Spring St. would remain two-way, and from Elm St. to Spring St. still needs to be worked on, so it is not shown on this conceptual plan. He said they need to acquire more survey data to determine if it can be two lanes wide. He added that Spring St. cannot be part of this circle because of its distance. Mr. Keller asked Mrs. Emminger how he could ask questions of the City Traffic Engineer. Mrs. Emminger said they could ask on the record tonight and we would get answers for next meeting. Mr. Urice said that Corporation Counsel had told him that the Commission members can contact City experts as long as they report back to the Commission on the record about what is discussed. Mr. Urice questioned and item from the Fire Marshal's report. Mrs. Emminger said this was resolved at meeting yesterday, but still needs the City Traffic Engineer's approval. Mr. Urice then asked if Amphenol had used any access/egress from Rose St. Attorney Collins said he thought there was a cut there, but he was not sure if it was ever used. Mr. Keller again mentioned Spring St., saving it seems to be ignored. Mr. Manuel said the City Traffic Engineer has said there are roads in the immediate vicinity which would experience negative impact. He asked that Mr. Mohammed identify these roads and the applicant's traffic engineer should address this. Mr. Blaszka questioned when the STC review takes place. Mrs. Emminger said the State Traffic Commission will not approve this until the Commission approves it. Chairman Finaldi encouraged the Commission members to contact the City Traffic Engineer individually about all of these questions and he can send his responses to the next meeting. Mr. Galante said his traffic study was done over a seven-month period and Mr. Mohammed was aware that they were doing it. He reiterated that the STC will not make a decision until the City does. He added that they have already started the filing process. Mrs. Emminger requested that the Commission be copied on any correspondence from STC during the process. Mr. Urice mentioned the Fire Marshal's report. Dan Bertram said at first, the Fire Department's main issue was access. They wanted to know they could get into the building and into the upper levels. Also they wanted clarification about the accessibility of the gate for the building that fronts on Main St. There were no other questions from Commission members.

Chairman Finaldi asked if there was anyone to speak in opposition to this and several people came forward.

Lynn Taborsak, 110 Hayestown Rd., said at the last meeting, Mr. Elpern reminded the Commission that the Plan of Conservation & Development encourages high density housing in the C-CBD zone. She said the term high density housing is not defined anywhere, not in the Zoning Regulations or the POCD. She asked for a definition.

Jehad Sabbagh 98 Deer Hill Ave., said he wanted to speak again about the traffic. He does not agree with the way they have proposed to handle the traffic by adding a traffic signal. He said the issue that no one is looking at, is that this is not the only multi-family development being built now. He continued saying the amount of incremental growth is staggering; referencing the approx. 320 units on South St. heading into Bethel. He added that the Town of Bethel is experiencing tremendous growth and all of that traffic has to come through Danbury. Also, in discussing this specific proposal, no one has mentioned how to get out of this area. He questioned why Danbury doesn't have a traffic plan? He said we keep dealing with these issues in a minor way, and it never really solves the problem. He said they should also remember the 2,200 multi-family units that will be built out by Exit 2. No one has truly addressed the traffic problem, how do we handle the thousands of people this development will bring in. It certainly appeals that the City does not know what to do about this.

Paul Rotello, 13 Linden Place, said he had questions for the applicant's traffic engineer. Chairman Finaldi asked him to please direct his questions through the Chair. Mr. Rotello asked if the intent of the rotary was to eliminate traffic lights and if there are no lights how pedestrians will cross the street. Chairman Finaldi asked him if those were all of his questions. Mr. Rotello said he was not sure, it would depend on the answers. Chairman Finaldi reminded Mr. Rotello that it is not the policy of this Commission to allow the opposition to cross examine the applicant's expert witnesses. He again asked Mr. Rotello to address his questions to the Chair. Mr. Rotello said he did not have any more questions right now.

There was no other opposition at this time.

Attorney Collins then spoke in response to the opposition's comments. He said this Commission approved the POCD which suggests this type of development for the downtown. He said that any development on this property would cause some traffic. Mr. Keller commented that even if the area does allow this type of development, the traffic pattern still has to be safe. Mike Galante then said this idea is being considered because this is an awkward intersection that needs calming. It would provide a more orderly movement through the intersection. Mr. Urice asked the correct name for this and Mr. Galante said it is called a "traffic circle".

Mr. Deeb made a motion to continue the public hearing until the February 15, 2006 meeting. Mr. Manuel seconded the motion.

NEW BUSINESS:

Nevzat Murtishi – Request for Waiver to Chapter 4 of the Subdivision Regulations – 57-59 Bear Mountain Rd. (#H04073 & #H04074) – Subdivision Code #58-14. *Public hearing scheduled for March 15, 2006.*

Nextel Communications of the Mid-Atlantic Inc. as Lessee – Application for Special Exception for Wireless Telecommunications Facility "CT 2925 Danbury" on Roof of Building – 13-21 Hakim St. (#G14054) – SE #643. Public hearing scheduled for March 15, 2006.

Chairman Finaldi said that these items were on file in the Planning Office.

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REFERRALS:

8-24 Referral/January 4th CC Agenda Item #10 – Carla Drive. *Tabled at 1/18/06 meeting pending comments from Engineering.*

Mr. Keller made a motion to table this again. Mr. Manuel seconded the motion.

8-24 Referral/January 4th CC Agenda Item #13 – Petition for Sewer Extension at Tamanny Tr., Tabor Rd. and Purchase St.

Chairman Finaldi asked Mr. Urice to read the report from Mr. Elpern. This is a request from twelve property owners for extension of sewer service to these three streets. There are approximately 45 properties total on these streets and as of yet, none of the 33 other property owners been polled to see if they are interested. This is important because each property owner will bear their share of the cost for the extension. These properties lie outside the proposed sewer service area as detailed in the POCD. In the past, in areas that are experiencing failing septic systems, we have recommended extension, but that is not the case here. The Health Department report says that there currently are no septic failures in this area, and although there have been repairs done on some systems, there is nothing excessive or out of the ordinary in this area. Mr. Elpern's report also mentions concern that this type of extension could have an impact on future development in the area, specifically a tract of land located to the north and accessible from Tamanny Tr. Mr. Keller read an attached copy of a letter regarding future development of this parcel. The report recommends a negative referral based on all of this information. Mr. Urice then made a motion to give this a negative recommendation for the following four reasons: (1) the properties lie outside the sewer service area, (2) the request conflicts with the Plan of Conservation and Development, (3) there is no evidence available to us that the area is especially prone to septic failures beyond normal experience, and (4) the extension could be used as an argument to open up large areas of the City to more intensive development patterns that conflict with the Plan and wise land use development. Mr. Blaszka seconded the motion and it was passed unanimously by voice vote.

OTHER MATTERS:

Request for release of road bond for Carla Estates I & II (Carla Dr.) Subdivision Codes #02-04 & #03-01. *Tabled since 1/4/06 meeting pending information from the Engineering Dept.*

Mr. Urice made a motion to table this matter. Mr. Blaszka seconded the motion.

Eagle Road Ctr. – Request for third reduction in bond amount per Waiver to Subdivision Regulations approved on September 15, 2004 – SUB #89-12 (aka SE #588/Lots 1 & 2). Letter dated January 9, 2006. Tabled at 1/18/06 meeting pending information from the Engineering Dept.

Mr. Blaszka made a motion to table this matter. Mr. Keller seconded the motion.

<u>Capital Improvement Program – FY 06/07 thru FY 11/12</u>

Mr. Elpern asked to speak and distributed a draft copy of proposed CIP budget. He said the Commission needs to schedule a special meeting within the next week so they can make a recommendation to the Common Council on this by February 14, 2006. It was decided to hold a Special Meeting on Wednesday, February 8, 2006. Since that is the night of the regular EIC meeting, this special meeting would be held in the Planning Department Conference Room. Chairman Finaldi suggested they start at 5:00 or 5:30 PM, but Mr. Manuel said he could not make it that early as he commutes from NYC and does not get back to Danbury until 7:00 PM. Chairman Finaldi said they would start at 7:15 PM.

Chairman Finaldi reviewed the Communications which consisted of three Cease & Desist Orders and the For Reference Only listing five requests for Floodplain Permits and the public hearings scheduled for the February 15, 2006 and March 1, 2006 meetings.

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At 10:00 PM, Mr. Manuel made a motion to adjourn. Mr. Urice seconded the motion